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BRYCE A. JONES

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EXAMINER

BURGESS, BARBARA N

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/477,991 | JONES, BRYCE A. | |
| | Examiner | Art Unit | |
| | BARBARA N. BURGESS | 2457 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 166-185 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 166-185 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to After-Final Arguments filed 3-14-11. Examiner is withdrawing the finality of claims 166-185 only in order to place the Application in better condition for Appeal. Examiner is updating the claim language that had previously been amended by Applicant. Claims 1-165 have been previously cancelled. Claims 166-185 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 166-167, 169-172, 176-177, 179-182 are rejected under 35 U.S.C. 102(e) as being anticipated by Goss (US Patent 6,687,241 B1).

As per claim 166, Goss discloses a method of operating a call server for routing voice calls to a plurality of call center resources in a call center, the method comprising:

- Receiving a voice call originating from a user device including a cookie (column 2, lines 10-12, 21-27, 45-49, column 3, lines 30-33, column 7, lines 62-67; Goss

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teaches a Web Server and Enterprise Contact Server receiving a voice over IP (VOIP) request from a customer. Cookies are used to identify the customer and match the request to a qualified agent);

- Processing the cookie from the user device to select a first call center resource (column 7, lines 62-67, column 8, lines 17-18, 30-37, 42-48 ; Goss teaches analyzing the cookie to identify the customer, IP address of the customer, the URL of Webpage from which the request was selected for the purpose of matching the request to a qualified agent);
- Generating a routing instruction indicating a first route for the voice call originating from the user device to the first call center resource (column 3, lines 15-45, 60-67, column 4, lines 1-5, 14-19, 50-55; Goss teaches the Contact Server providing call routing to an agent at any of a plurality of call centers from a request from a customer's telephone, PC, or other communication means);
- Transferring the routing instruction to be used when routing the voice call from the user device to the first call center resource over which voice communications will be exchanged (column 5, lines 41-67, column 6, lines 1-5, column 8, lines 30-40, column 9, lines 5-14).

As per claim 167, Goss discloses the method of claim 166, further comprising: receiving a redirect instruction in the call server (column 13, lines 20-25); processing the redirect instruction to select a second call center resource (column 13, lines 27-29);

generating a second routing instruction indicating a second route for the voice call originating from the user device to the second call center resource (column 13, lines 27-29); and

transferring the second routing instruction to be used when routing the voice call from the user device to the second call center resource over which voice communications will be exchanged (column 13, lines 30-37).

As per claim 169, Goss discloses the method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based upon caller entered information (column 6, lines 3-5, column 8, lines 17-20, 33-40).

As per claim 170, Goss discloses the method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based upon a domain name or an Internet Protocol address (column 8, lines 35-36, column 9, lines 9-10; Goss teaches including the URL of the Webpage in which the request was made to the selected agent).

As per claim 171, Goss discloses the method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based upon one or more of a day or a time of day (column 6, lines 8-10, column 10, lines 36-40; Goss teaches routing the call based on time of day or day of week).

As per claim 172, Goss discloses the method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based on the least busy agent (column 2, lines 5-10, 35-43; Goss teaches routing the call and selecting the agent according to the availability of the qualified agent).

As per claim 176, Goss discloses a communication system for routing voice calls, the communication system comprising:

- A plurality of call center resources for handling voice calls (column 2, lines 24-26, 40-43, column 3, lines 30-33, column 4, lines 1-4, 15-18; Goss teaches routing requests from customers over Internet voice telephony to qualified agents at call centers);
- A call center server configured to receive a voice call originating from a user device and including a cookie (column 2, lines 10-12, 21-27, 45-49, column 3, lines 30-33, column 7, lines 62-67; Goss teaches a Web Server and Enterprise Contact Server receiving a voice over IP (VOIP) request from a customer. Cookies are used to identify the customer and match the request to a qualified agent);
- Process the cookie from the user device to select a first call center resource (column 7, lines 62-67, column 8, lines 17-18, 30-37, 42-48 ; Goss teaches analyzing the cookie to identify the customer, IP address of the customer, the URL of Webpage from which the request was selected for the purpose of matching the request to a qualified agent);

- Generate a routing instruction indicating a route for the voice call from the user device to the first call center resource (column 3, lines 15-45, 60-67, column 4, lines 1-5, 14-19, 50-55; Goss teaches the Contact Server providing call routing to an agent at any of a plurality of call centers from a request from a customer's telephone, PC, or other communication means);
- Transfer the routing instruction to be used when routing the voice call from the user device to the first call center over which voice communications will be exchanged (column 5, lines 41-67, column 6, lines 1-5, column 8, lines 30-40, column 9, lines 5-14).

As per claim 177, Goss discloses the method of claim 166, further comprising: receiving a redirect instruction in the call server (column 13, lines 20-25); processing the redirect instruction to select a second call center resource (column 13, lines 27-29);

generating a second routing instruction indicating a second route for the voice call originating from the user device to the second call center resource (column 13, lines 27-29);

transferring the second routing instruction to be used when routing the voice call from the user device to the second call center resource over which voice communications will be exchanged (column 13, lines 30-37).

As per claim 179, Goss discloses the communication system of claim 176, wherein processing the cookie from the user device to select the first call center resources is

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further based upon caller entered information (column 6, lines 3-5, column 8, lines 17-20, 33-40).

As per claim 180, Goss discloses the communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based upon a domain name or Internet Protocol address (column 8, lines 35-36, column 9, lines 9-10; Goss teaches including the URL of the Webpage in which the request was made to the selected agent).

As per claim 181, Goss discloses the communication system of claim 176, wherein processing the cookie from the user device to select the first call center resources is further based upon one or more of a day or a time of day (column 6, lines 8-10, column 10, lines 36-40; Goss teaches routing the call based on time of day or day of week).

As per claim 182, Goss discloses the communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based on the least busy agent (column 2, lines 5-10, 35-43; Goss teaches routing the call and selecting the agent according to the availability of the qualified agent).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 168, 178 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,687,241 B1) in view of Dunn et al. (hereinafter "Dunn", US Patent 6,836,476 B1).

As per claim 168, Goss does not explicitly disclose method of claim 166, wherein the voice call comprises a Get document request in Hyper Text Transfer Protocol. However, in an analogous art, Dunn teaches using VOIP to request services from Eckerd Drug Store. The requested service might be ordering a prescription and getting directions (column 6, lines 15-18, 24-30, 64-67, column 7, lines 1-4).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Dunn's voice call comprises a Get document request in Hyper Text Transfer Protocol in Goss's method in order for users to have a more convenient way of acquiring local information while providing the user with desired services (Dunn, column 2, lines 7-8, column 6, lines 24-26).

As per claim 178, Goss does not explicitly disclose the communication system of claim 176, wherein the voice call comprises a Get document request in Hyper Text Transfer Protocol (paragraphs [0045, 0050]).

However, in an analogous art, Dunn teaches using VOIP to request services from Eckerd Drug Store. The requested service might be ordering a prescription and getting directions (column 6, lines 15-18, 24-30, 64-67, column 7, lines 1-4).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Dunn's voice call comprises a Get document request in Hyper Text Transfer Protocol in Goss's system in order for users to have a more convenient way of acquiring local information while providing the user with desired services (Dunn, column 2, lines 7-8, column 6, lines 24-26).

5. Claims 173, 183 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,687,241 B1) in view of Bruno et al. (hereinafter "Bruno", US Patent Publication 2002/0021693 A1).

As per claim 173, Goss does not explicitly disclose the method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based on the least congested route.

However, in an analogous art, Bruno teaches connecting a call to an agent based on the availability of the agent to receive the call. A selected agent is based on skill level, idle agent criteria, and routing instructions. The routing instructions are determined by

time of day, call origination, and network congestion condition (Abstract, paragraph [0010, lines 17-23]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Bruno's select one of the call center resources is further based on the least congested route in Goss's method providing advanced routing features for Internet traffic using the same techniques that are used in circuit-switched telecommunications networks (Bruno, paragraph [0024, lines 16-19]).

As per claim 183, Goss does not explicitly disclose the communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based on the least congested route.

However, in an analogous art, Bruno teaches connecting a call to an agent based on the availability of the agent to receive the call. A selected agent is based on skill level, idle agent criteria, and routing instructions. The routing instructions are determined by time of day, call origination, and network congestion condition (Abstract, paragraph [0010, lines 17-23]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Bruno's select one of the call center resources is further based on the least congested route in Goss's system providing advanced routing features for Internet traffic using the same techniques that are used in circuit-switched telecommunications networks (Bruno, paragraph [0024, lines 16-19]).

6. Claims 174, 184 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,687,241 B1) in view of Vered et al. (hereinafter "Vered", US Patent 6,826,194 B1).

As per claim 174, Goss does not explicitly disclose the method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based on one or more a class of service or a quality of service. However, Vered teaches routing voice calls to a call center having a plurality of agents. Agents are selected having different skills who can provide the IP user the desired quality of service (column 6, lines 40-46, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Vered's select one of the call center resources is further based on one or more a class of service or a quality of service in Goss's method providing visual information about the current quality of service and available resources prior to call establishment (Vered, column 2, lines 29-32).

As per claim 184, Goss does not explicitly disclose the communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based on one or more a class of service or a quality of service.

However, Vered teaches routing voice calls to a call center having a plurality of agents. Agents are selected having different skills who can provide the IP user the desired quality of service (column 6, lines 40-46, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Vered's select one of the call center resources is further based on one or more a class of service or a quality of service in Goss's system providing visual information about the current quality of service and available resources prior to call establishment (Vered, column 2, lines 29-32).

7. Claims 175, 185 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,687,241 B1) in view of Ma et al. (hereinafter "Ma", US Patent 7,536,002 B1).

As per claim 175, Goss does not explicitly disclose the method of claim 166, further comprising processing the cookie to select a web service application. However, in an analogous art, Ma teaches a call routing system that routes calls to call centers that are staffed by agents. Agents may be assigned to calls based on their skill sets and levels. The customer is identified using cookies. Based on the cookies, an offer list is obtained for the customer containing offer presentations or advertisements for display and viewing by the customer (column 23, lines 53-61, column 24, lines 24-26).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Ma's selecting a web service application based upon the cookie in Goss's method delivering presentations or advertisements at any time for the purpose of customers visiting the website (Ma, column 23, lines 64-67).

As per claim 185, Goss does not explicitly disclose the communication system of claim 176, further comprising processing the cookie to select a web service application. However, in an analogous art, Ma teaches a call routing system that routes calls to call centers that are staffed by agents. Agents may be assigned to calls based on their skill sets and levels. The customer is identified using cookies. Based on the cookies, an offer list is obtained for the customer containing offer presentations or advertisements for display and viewing by the customer (column 23, lines 53-61, column 24, lines 24-26).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Ma's selecting a web service application based upon the cookie in Goss's system delivering presentations or advertisements at any time for the purpose of customers visiting the website (Ma, column 23, lines 64-67).

Response to Arguments

The Office notes the following argument(s):

- (a) The final office action fails to entirely address the limitations of claims 167 and 177.
 - (b) The final office action does not address all of the limitations of claim 176.
 - (c) Claim 1 recites receiving a voice call from a user device, including a cookie.
 - (d) The call does not include a cookie to setup a voice call from a call center resource to a user device as required by claim 166.
 - (e) Claim 166 provides for using a cookie to setup a voice call from a user device to a call center resource, over which communications are exchanged.
 - (f) Goss does not teach generating a second routing instruction indicating a second route for the voice call originating from the user device to the second call center resource.
8. Applicant's arguments filed have been fully considered but they are not persuasive.

In response to:

- (a)-(b) The withdrawal of finality has been done to update the claim language due to amendments made throughout the years and to place the case into better condition for Appeal. Examiner now addresses all limitations of the current claims.
- (c) There is no claim 1 to address.
- (d) The customer requests contact with an agent, the Server uses the information from the cookies (information from the session between the customer's browser and the Server are stored in the cookies) to direct the request to a qualified agent. Goss states, "the Web Server maintains a session with the customer browser over the Internet using

cookies or other session maintenance technology. This way, when the customer submits a call-back request, the Web Server can identify that customer for the purpose of matching the call-back request to a qualified agent” (column 7, lines 62-67).

Therefore, Goss indeed discloses the call includes a cookie to setup a voice call from a call center resource to a user device

(e) Applicant’s Specification discloses the web call server receives a call request message originating from the communication device. The call request message is any message or signaling used to begin the web call. Also, in some embodiments, the call request message is the web call itself (Specification, page 5, line 30, page 6, lines 1-3). Goss teaches the Contact Server receiving a VOIP contact request or call-back request from a customer. This request is sent by the customer’s Internet device (column 2, lines 10-12, 21-27, 45-49, column 3, lines 30-33, column 7, lines 62-67).

The customer requests contact with an agent, the Server uses the information from the cookies (information from the session between the customer’s browser and the Server are stored in the cookies) to direct the request to a qualified agent. Goss states, “the Web Server maintains a session with the customer browser over the Internet using cookies or other session maintenance technology. This way, when the customer submits a call-back request, the Web Server can identify that customer for the purpose of matching the call-back request to a qualified agent” (column 7, lines 62-67).

Goss discloses many ways in which communication between a customer and agent takes place. The preferred embodiment utilizes http and telephony communications. A customer with voice telephony or video telephony can communicate with the agent via

these applications. A customer initiates a call-back request (voice call) using any of these application when the need arises to speak with an agent. The customer gives certain information in the request such as customer's name, telephone #, and other information. This call-back request is then routed to the appropriate agent. Goss explicitly states, "when a call-back request is received from a customer, it must be sent to an agent who is trained to service the corporate business client represented by the customer" (column 5, lines 11-15, column 9, lines 1-5, 66-67, column 10, lines 1-4). Therefore, Goss undoubtedly teaches providing for using a cookie to setup a voice call from a user device to a call center resource, over which communications are exchanged.

(f) Goss teaches transferring the call to a different customer agent. The call is then redirected by the Contact Server/Enterprise Contact Server to another agent with the appropriate skills and availability (column 13, lines 13-35).

Therefore, Goss absolutely discloses generating a second routing instruction indicating a second route for the voice call originating from the user device to the second call center resource.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

/Barbara N Burgess/
Examiner, Art Unit 2457

March 24, 2011

/Barbara N Burgess/
Primary Examiner, Art Unit 2457